IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 574 of 1999

with

LETTERS PATENT APPEAL No. 578 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
THE HON'BLE MR.JUSTICE RAVI R.TRIPATHI

==========

1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

==========

KAIRA DISTRICT CO-OPERATIVE MILK PRODUCERS UNION LTD - Petitioner(s)

Versus

RAISING MANGALBHAI PARMAR - Respondent(s)

==========

Appearance :

MR DEEPAK V PATEL for Petitioner No(s).: 1.
NOTICE SERVED for Respondent No(s).: 1.

==========

CORAM :HONOURABLE MR.JUSTICE R.S.GARG
THE HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date : 20/06/2005

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. Mr. D.V. Patel, learned counsel for the appellant. None for the respondents. This order shall dispose of Letters Patent Appeal No. 574 of 1999 and Letters Patent Appeal No.578 of 1999. The factual matrix in short is that the appellant proceeded in a departmental inquiry against four persons and issued punishment order on completion of the inquiry. Four different References were made and after recording some evidence, the Labour Court recorded a finding that the departmental inquiry was vitiated for the reasons given in the order. The order being not palatable to the interest of the appellant, the establishment has come to this Court in Special Civil Application No. 7772 of 1998 and allied matters. The matters were finally disposed of on 4.3.1999. The learned Single Judge observed that there was no scope for interference and the appellant-establishment can still prove the alleged misconduct. Being aggrieved by the said order, the appellant has come to this Court in Letters Patent Appeal Nos. 574 of 1999 and 578 of 1999.
2. Learned counsel for the appellant submitted that from the order passed by the learned Labour Court, it would clearly appear that it did not enter deep into the facts recorded during course of departmental proceedings and had picked up the last proceedings. It is also submitted that along with application for amendment, certain documents were produced before the learned Single Judge to prove that as many as ten notices for hearing were given to the delinquent with an opportunity of hearing, but it was not availed by them. His submission is that in matters like present such cavalier view is not permissible.
3. After hearing the learned counsel for the appellant, we are of the opinion, that present is not a case where High Court is required to interfere in the Letters Patent Appeal. Present is not a case of no evidence at all, but the present is a case where the learned Labour Court for the reasons recorded by it had observed that the departmental inquiry proceedings were vitiated. If there is some evidence to support the judgment of the Tribunal, then High Court in its writ jurisdiction or in the jurisdiction conferred under the Letters Patent would not interfere in the matter. The learned Single Judge was absolutely justified in observing that the appellant can still prove alleged misconduct. We find no reasons to interfere. Both the appeals are dismissed.

[R.S.GARG, J.]

[RAVI R. TRIPATHI, J.]

pirzada/-